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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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|    |                                  |   |                                 |
|----|----------------------------------|---|---------------------------------|
| 11 | FRANCISCO ALBERTO MORALES,       | ) | Civil No. 10cv202 L(WVG)        |
| 12 | Plaintiff,                       | ) |                                 |
| 13 | v.                               | ) | <b>ORDER REQUIRING RESPONSE</b> |
| 14 | BANK OF AMERICA, <i>et al.</i> , | ) | <b>TO MOTION TO DISMISS</b>     |
| 15 | Defendants.                      | ) | <b>COMPLAINT</b>                |
| 16 | _____                            | ) |                                 |

17 Plaintiff filed his complaint on January 26, 2010. The served defendants filed a motion to  
18 dismiss the complaint. Instead of responding to the motion to dismiss, plaintiff timely filed an  
19 amended complaint. On June 11, 2010, defendants filed a motion to dismiss the amended  
20 complaint [doc. #7] that was set for hearing on August 2, 2010. Although represented by  
21 counsel, plaintiff has not filed an opposition to the motion.

22 Failure to file an opposition is addressed in Civil Local Rule 7.1(f)(3)(c):

23 Unless otherwise provided by rule or court order, a party opposing a motion, or  
24 other request for ruling by the court *must* file a written opposition. If such party  
25 chooses not to oppose the motion, the party *must* file a written statement that the  
party does not oppose the motion or other request for ruling by the court.

26 Civ. L.R. 7.1(f)(3)(c) (emphasis added). This Rule was designed to relieve the Court of the  
27 burden of reviewing the merits of a motion without full briefing. Such a review requires a  
28 significant amount of scarce judicial time.

1 Civil Local Rule 83.1 provides for sanctions for noncompliance with the Local Rules:

2 Failure of counsel or of any party to comply with these rules, with the Federal  
3 Rules of Civil Procedure or Criminal Procedure, or with any order of the court  
4 may be found for imposition by the court of any and all sanctions authorized by  
5 statute or rule or within the inherent power of the court, including, without  
6 limitation, dismissal of any actions, entry of default, finding of contempt,  
7 imposition of monetary sanctions or attorneys' fees and costs, and other lesser  
8 sanctions.

9 Civ. L. R. 83.1(a).

10 Based on the foregoing, **IT IS ORDERED** that plaintiffs shall file an opposition to  
11 defendants' motion to dismiss or a statement that the he does not oppose the motion **on or**  
12 **before September 3, 2010. IT IS FURTHER ORDERED** that failure to comply with this  
13 Order shall result in an order to show cause why sanctions should not be imposed upon plaintiffs  
14 and/or their counsel.

15 **IT IS SO ORDERED.**

16 DATED: August 26, 2010

17   
18 M. James Lorenz  
19 United States District Court Judge

20 COPY TO:

21 HON. WILLIAM V. GALLO  
22 UNITED STATES MAGISTRATE JUDGE

23 ALL PARTIES/COUNSEL  
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